

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BIOBEST U.S.A., INC.,

Plaintiff,

v.

Case No. 2:18-cv-11434

District Judge Denise Page Hood

Magistrate Judge Anthony P. Patti

LN ASSURE TRADES INC., and
JPMORGAN CHASE BANK,
N.A.,

Defendants.

**ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION FOR
ALTERNATE SERVICE OF PROCESS ON DEFENDANT LN ASSURE
TRADES INC. (DE 5)**

This matter is before the Court on Plaintiff's motion for alternate service of process on Defendant LN Assure Trades Inc. (DE 5.) In its motion, Plaintiff outlines the ultimately unsuccessful steps it has taken to serve Defendant, LN Assure Trades Inc., a Florida corporation. Specifically, Plaintiff's process server has been unable to serve LN Assure Trades Inc. at its principal, mailing, and registered address, which is a residential address, as listed by the Florida Department of State, Division of Corporations. (DE 5 at 2-3, 13-18.) The process server was informed by Alexis Morales, an individual residing at that address, that Lindsay Navarro, the registered agent for LN Assures Trades Inc., allegedly no longer lives there. (*Id.*) However, according to a recent background report on

Lindsay Navarro, she continues to reside at that address. (*Id.* at 3, 19-30.) Plaintiff contends that it appears the LN Assure Trades Inc.’s registered agent is evading service.

The Court agrees that traditional methods of serving Defendant LN Assure Trades Inc. have failed and alternate methods of service are therefore warranted. Accordingly, Plaintiff’s motion is **GRANTED**. Plaintiff is permitted to make service of process on Defendant LN Assure Trades Inc. pursuant to Federal Rules of Civil Procedure 4(e)(1) and 4(h)(1)(A) and Michigan Court Rule 2.105 by taking the following actions:

1. Plaintiff shall personally serve an individual of suitable age at LN Assure Trades Inc.’s principal, mailing, and registered address, 6195 Rock Island Rd., Apt. 508, Tamarac, Florida 33319, with a copy of this Order, along with copies of the summonses, pleadings, and other papers on file;¹
2. Plaintiff shall mail, by first class mail, postage prepaid, a copy of this Order, along with copies of the summonses, pleadings, and other papers on file, to Defendant LN Assure Trades Inc.’s principal, mailing and registered

¹ Fed. R. Civ. P. 4(e)(1) provides for service “following state law for serving a summons in action brought in courts of general jurisdiction in the state where the district court is located or where service is made[.]” Plaintiff notes that this proposed method of service would also comply with Florida service of process laws. *See* Fla. Stat. §§ 48.081(3)(b), 48.031(1)(a).

address, 6195 Rock Island Rd., Apt. 508, Tamarac, Florida 33319, and shall promptly file proof of service by mailing; and

3. After three documented unsuccessful attempts to effect personal service as outlined in paragraph 1 above, Plaintiff may post a copy of this Order, along with copies of the summonses, pleadings, and other papers on file, by tacking or otherwise firmly affixing the same to the door of Defendant LN Assure Trades Inc's principal, mailing and registered address. Plaintiff shall promptly file proof of service by posting.

IT IS SO ORDERED.

Dated: June 4, 2018

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on June 4, 2018, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti